

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Yahya Muquit,)	Civil Action No.: 8:22-cv-02009-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Bryan P. Stirling, <i>Director SCDC</i> ;)	
South Carolina Department of Corrections,)	
)	
Defendants.)	
)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Jacquelyn D. Austin, who recommends denying Plaintiff’s motion for temporary and permanent injunction [ECF No. 21] and Plaintiff’s motion for summary judgment [ECF No. 31]. *See* ECF No. 37. The Magistrate Judge also recommends granting Defendants’ motion for summary judgment [ECF No. 25] with respect to Plaintiff’s federal claims under 42 U.S.C. § 1983 and the Religious Land Use and Institutional Persons Act (“RLUIPA”) for failure to exhaust administrative remedies. The Magistrate Judge recommends declining to exercise supplemental jurisdiction over Plaintiff’s state-law claims under the South Carolina Religious Freedom Act (“SCRFA”) and the South Carolina Tort Claims Act (“SCTCA”) and remanding those state-law claims to the state court.¹ *See* ECF No. 37.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) (D.S.C.).

determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.² In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations.³ *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 37] and **GRANTS** Defendants' motion for summary judgment [ECF No. 25] as to Plaintiff's federal § 1983 and RLUIPA claims. This Court **DECLINES** to retain jurisdiction over Plaintiff's state-law claims under the SCRFA and the SCTCA. Thus, this Court **REMANDS** those state-law claims to the Richland County Court of Common Pleas for further proceedings. This Court also **DENIES** Plaintiff's motion for temporary and permanent injunction [ECF No. 21] and **DENIES** Plaintiff's motion for summary judgment [ECF No. 31].

² Plaintiff's objections were originally due by May 15, 2023. *See* ECF Nos. 37 & 38. This Court granted Plaintiffs' motion for extension of time to file objections to the R&R and informed Plaintiff that his objections were due by June 12, 2023. *See* ECF No. 42.

³ Although Defendants filed an objection to the R&R, they objected "only to address and reserve [their] right to reallege defenses, including affirmative defenses, immunities, and privileges available in response to Plaintiff's state law causes of action" on remand. *See* ECF No. 40. As such, Defendants do not object to the Magistrate Judge's recommendations in the R&R.

IT IS SO ORDERED.

Florence, South Carolina
June 14, 2023

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge